

TIMOTHY GUSLER

Plaintiff(s)

- against -

Index # 07 CIV 9535 (RWS)

MATTHEW FISCHER, ETAL

Defendant(s)

Purchased October 25, 2007

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on November 1, 2007 at 02:33 PM at

15 W. 36TH STREET
6TH FLOOR
NEW YORK, NY10018

deponent served the within SUMMONS IN A CIVIL ACTION AND COMPLAINT on PETER J. LISTRO ASSOCIATES, LTD. therein named,

CORPORATION a DOMESTIC corporation by delivering thereat a true copy of each to LEYDA FERNANDEZ personally, deponent knew said corporation so served to be the corporation described in said SUMMONS IN A CIVIL ACTION AND COMPLAINT as said Defendant and knew said individual to be the GENERAL AGENT thereof.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx)</u>
<u>FEMALE</u>	<u>BROWN</u>	<u>BLACK</u>	<u>26</u>	<u>5'6</u>	<u>160</u>

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: November 5, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

BYRAN E. MCELDERRY
License #: 869802
Invoice #: 450630